

Orange Free State

FRIENDSHIP, COMMERCE, AND EXTRADITION

Convention signed at Bloemfonten December 22, 1871

Senate advice and consent to ratification April 24, 1872

Ratified by the President of the United States April 27, 1872

Ratified by the Orange Free State May 10, 1872

Ratifications exchanged at Washington August 18, 1873

Entered into force August 18, 1873

Proclaimed by the President of the United States August 23, 1873

*Terminated January 4, 1895*¹

Treaty Series 265

The United States of America and the Orange Free State, equally animated by the desire to draw more closely the bonds of friendship, which so happily exist between the two republics, as well as to augment, by all the means at their disposal the commercial intercourse of their respective citizens, have mutually resolved to conclude a general convention of friendship, commerce and extradition.

For this purpose they have appointed as their plenipotentiaries, to wit: The President of the United States Willard W. Edgcomb, special agent of the United States and their consul at the Cape of Good Hope, and the President of the Orange Free State Friedrich Kaufman Höhne gov. secty., who, after communication of their respective full powers, have agreed to the following articles:

ARTICLE I

The citizens of the United States of America and the citizens of the Orange Free State, shall be admitted and treated upon a footing of reciprocal equality in the two countries, where such admission and treatment shall not conflict with the constitutional or legal provisions of the contracting parties. No pecuniary or other more burdensome condition shall be imposed upon them, than upon the citizens of the country where they reside, nor any condition whatever to which the latter shall not be subject.

The foregoing privileges, however, shall not extend to the enjoyment of political rights.

¹ Pursuant to notice of denunciation given by the Orange Free State.

ARTICLE II

The citizens of one of the two countries residing or established in the other, shall be free from personal military service; but they shall be liable to the pecuniary or other contributions which may be required, by way of compensation, from citizens of the country where they reside, who are exempt from the said service.

No higher impost, under whatever name shall be exacted from the citizens of one of the two countries residing or established in the other, than shall be levied upon citizens of the country, in which they reside, nor any contribution whatever, to which the latter shall not be liable.

In case of war, or of the seizure or occupation of property, for public purposes, the citizens of one of the two countries, residing or established in the other, shall be placed upon an equal footing with the citizens of the country in which they reside, with respect to indemnities for damages they may have sustained.

ARTICLE III

The citizens of each one of the contracting parties shall have power to dispose of their personal property within the jurisdiction of the other, by sale, testament, donation or in any other manner, and their heirs, whether by testament or ab intestato, or their successors, being citizens of the other party, shall succeed to the said property or inherit it, and they may take possession thereof, either by themselves or by others acting for them, they may dispose of the same as they may think proper, paying no other charges than those to which the inhabitants of the country wherein the said property is situated, shall be liable to pay in a similar case. In the absence of such heir, heirs or other successors, the same care shall be taken by the authorities for the preservation of the property that would be taken for the preservation of the property of a native of the same country, until the lawful proprietor shall have had time to take measures for possessing himself of the same.

But in case real estate situated within the territories of one of the contracting parties should fall to a citizen of the other party, who, on account of his being an alien, could not be permitted to hold such property, there shall be accorded to the said heir or other successor, such term as the laws will permit to sell such property, he shall be at liberty at all times to withdraw and export the proceeds thereof without difficulty, and without paying to the government any other charges than those which, in a similar case, would be paid by an inhabitant of the country in which the real estate may be situated.

ARTICLE IV

Any controversy which may arise among the claimants to the property of a decedent, shall be decided according to the laws and by the judges of the country, in which the property may be situated.

ARTICLE V

The contracting parties give to each other the privilege of having, each in their respective States, consuls and vice-consuls of their own appointment, who shall enjoy the same privileges as those of the most favored nation.

But before any consul or vice-consul shall act as such, he shall in the ordinary form, be approved by the government of the country in which his functions are to be discharged.

In their private and business transactions consuls and vice-consuls, shall be submitted to the same laws and usages as private individuals, citizens of the place in which they reside.

It is hereby understood that in case of offence against the laws by a consul or vice-consul, the government from which [he receives] his exequatur may withdraw the same, send him away from the country, or have him punished in conformity with the laws, assigning to the other government, its reason for so doing.

The archives and papers belonging to the consulates, shall be inviolate, and under no pretext whatever, shall any magistrate or other functionary inspect, seize, or in any way interfere with them.

ARTICLE VI

Neither of the contracting parties shall impose any higher or other duties upon the importation, exportation or transit of the natural or industrial products of the other, than are or shall be payable upon the like articles being the produce of any other country.

ARTICLE VII

Each of the contracting parties hereby engages not to grant any favor in commerce to any nation, which shall not immediately be enjoyed by the other party.

ARTICLE VIII

The United States of America and the Orange Free State, on requisitions made in their name through the medium of their respective diplomatic or consular agents, shall deliver up to justice persons who, being charged with the crimes enumerated in the following article, committed within the jurisdiction of the requiring party, shall seek asylum or shall be found within the territories of the other.

Provided, That this shall be done only, when the fact of the commission of the crime shall be so established as to justify their apprehension and commitment for trial, if the crime had been committed in the country where the person so accused, shall be found.

ARTICLE IX

Persons shall be delivered up according to the provisions of this convention, who shall be charged with any of the following crimes, to wit; Murder, (including assassination, parricide, infanticide, and poisoning) attempt to commit murder, rape, forgery or the emission of forged papers, arson, robbery with violence, intimid[ation] or forcible entry of an inhabited house, piracy; embezzlement by public officers, or by persons hired or salaried to the detriment of their employers, when these crimes are subject to infamous punishment.

ARTICLE X

The surrender shall be made by executive of the contracting parties respectively.

ARTICLE XI

The expense of detention and delivery effected pursuant to the preceding articles, shall be at the cost of the party making the demand.

ARTICLE XII

The provisions of the foregoing articles relating to the surrender of fugitive criminals, shall not apply to offenses committed before the date hereof, nor to those of a political character.

ARTICLE XIII

The present convention is concluded for the period of ten years, from the day of the exchange of the ratifications, and if one year before the expiration of that period, neither of the contracting parties shall have announced, by an official notification, its intention, to the other, to arrest the operations of the said convention, it shall continue binding for twelve months longer, and so on from year to year, until the expiration of the twelve months, which will follow a similar declaration, whatever the time at which it will take place.

ARTICLE XIV

This convention shall be submitted, on both sides to the approval and ratification of the respective competent authorities and the ratifications shall be exchanged at Washington as soon as circumstances shall admit.

In faith whereof, the respective plenipotentiaries have signed the above articles and have thereunto affixed their seals.

Done in quadruplicate at Bloemfonten this 22nd day of December in the year of our Lord, one thousand eight hundred and seventy-one.

W. W. EDGCOMB [SEAL]

F. K. HÖHNE [SEAL]